

Notice of Allowability

Application No.

10/628,266

Examiner

Shumaya B. Ali

Applicant(s)

CROFT ET AL.

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/27/05.
2. ☒ The allowed claim(s) is/are 13-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Henry Bonetti
Supervisory Patent Examiner
12/11/2005

Response to Amendment

- The Examiner hereby acknowledges that the Applicant has cancelled claims 1-12 and incorporated new claims 13-19.
- Amended to the specification and abstract filled on 9/27/05 has been acknowledged.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the claims –

Claim 1, line 13 should recite: ...including first hook fasteners on ~~the~~ a right distal portion, second hook fasteners on ~~the~~ a left distal portion, and loop connectors centrally located opposite said padding.

Claim 17, line 2 should recite: ..claimed in claim ~~16~~ 13 wherein said strap is affixed to a portion of

****Note: claims 1 and 17 are amended to fix antecedence problem.**

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: **figures 1 and 2 would be submitted as replacement sheet. Due to the new limitations recited as “a right distal portion” and “a left distal portion” in claim 1, the applicant is further required to resubmit figures 2 and 3 labeling “right distal portion” and**

Art Unit: 3743

“left distal portion” thereby amendment to the specification may not be required. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

EXAMINER’S STATEMENT OF REASONS FOR ALLOWANCE

3. The following is an examiner’s statement of reasons for allowance: **as to claim 13, the prior art of record does not teach nor render the obvious the overall claimed combination of a self-actuated cervical traction device with a novel headpiece comprising a first element, which is adapted to be placed about the back of the neck of the user, said headpiece further including a second element which is adapted to secure said first element on the head of the user, the second element further includes a right and left distal portion with hook fasteners, said headpiece first element right side provided with a first slot and said headpiece first element left side provided with a second slot, said headpiece first element back side including a strap affixed thereto, said strap forming a loop, wherein said headpiece first element is placed about the neck of the user, said headpiece second element is placed on the forehead of the user, said right distal portion is pulled through said first slot and said first hook fasteners are fasteners are connected to said loop connectors, and further said left distal portion is pulled through said second slot and said second hook fasteners are connected to said loop connectors, thus securing said headpiece to the user. The applicant suggests that the headpiece structures are unique for supporting the neck in the most desirable position for cervical traction, see disclosure, page 3, 0006 lines 1-**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

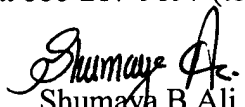
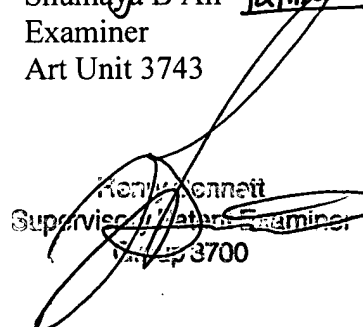
Art Unit: 3743

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shumaya B. Ali whose telephone number is 571-272-6088. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on 571-272-4791. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Shumaya B Ali
Examiner
Art Unit 3743

Henry Bennett
Supervisor/ Patent Examiner
Art Unit 3700